

1 DANIEL G. BOGDEN
2 United States Attorney
3 District of Nevada
4 BLAINE T. WELSH
5 Assistant United States Attorney
6 Nevada Bar. No. 4790
7 333 Las Vegas Blvd. South, Suite 5000
8 Las Vegas, Nevada 89101
9 Phone: (702) 388-6336
10 Facsimile: (702) 388-6787
11 Email: Blaine.Welsh@usdoj.gov

12 WILLARD K. TOM
13 General Counsel
14 NIKHIL SINGHVI
15 JULIE G. BUSH
16 JASON D. SCHALL
17 HELEN P. WONG
18 IOANA RUSU*
19 Federal Trade Commission
20 600 Pennsylvania Avenue, NW
21 Mailstop NJ-3158
22 Washington, D.C. 20580
23 Phone: (202) 326-3480 (Singhvi)
24 Facsimile: (202) 326-3629
25 Email: nsinghvi@ftc.gov; jbush@ftc.gov;
26 jschall@ftc.gov; hwong@ftc.gov; irusu@ftc.gov

27 (*motion to permit appearance pending)

Attorneys for Plaintiff Federal Trade Commission

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

AMG Services, Inc. et al.,

Defendants, and

Park 269 LLC, et al.,

Relief Defendants.

Case No. 2:12-cv-536

**PLAINTIFF'S
RESPONSE TO
DEFENDANTS'
JOINT MOTION
FOR ORAL
ARGUMENT**

1 Defendants' joint motion for oral argument (Docket No. 159) on their motions to
2 dismiss is an attempt to move this case backward. The Court should decline the request
3 for the following reasons: (1) the Court already allotted *more than two hours* (see Docket
4 No. 161) of argument on the motions to dismiss in connection with Defendants' failed
5 motion to stay all discovery, (2) the Court ordered the parties to engage in expedited
6 discovery regarding an issue raised in certain Defendants' motion to dismiss (Docket
7 Nos. 155, 156), and further argument on the motions to dismiss would be repetitive and
8 wasteful until that expedited discovery is complete, and (3) the Court, having
9 preliminarily determined that Defendants' motions to dismiss are without merit, should
10 now turn its attention to the Federal Trade Commission's ("FTC") pending motion for
11 preliminary injunction (Docket No. 4) in order to prevent ongoing violations of federal
12 law that harm consumers nationwide.

13 Prompt resolution of the motion for preliminary injunction is especially
14 appropriate given the volume of evidence submitted by the FTC regarding, among other
15 things, the inaccurate nature of Defendants' loan documents and their unlawful
16 requirement that consumers agree to preauthorized electronic fund transfers from their
17 bank accounts as a condition of receiving credit. (*See generally*, Docket No. 5.) Even
18 putting aside that large quantum of evidence, these issues, are, according to Defendants,
19 capable of resolution by mere examination of Defendants' own documents (Docket No.
20 149 at 19-20; Defs.' Opp. to Mot. for Prelim. Inj. (under seal) at 24-30, 35-38).

Dated: September 6, 2012

Respectfully submitted,

/s/ Nikhil Singhvi

Nikhil Singhvi

Jason D. Schall

Julie G. Bush

Helen P. Wong

Ioana Rusu

Attorneys for Plaintiff

Federal Trade Commission

CERTIFICATE OF SERVICE

I, Nikhil Singhvi, certify that the following individuals were served with the **PLAINTIFF'S RESPONSE TO DEFENDANTS' JOINT MOTION FOR ORAL ARGUMENT** by the method indicated below:

Electronic Case Filing:

David J. Merrill (david@djmerrillpc.com),
Adam S. Hoffinger (ahoffinger@mofo.com)
Andrew MacGregor Smith (asmith@mofo.com)
Nicholas Miranda (nmiranda@mofo.com)
Bradley S. Lui (blui@mofo.com)
Conly J. Schulte (cschulte@ndnlaw.com)
Francis J. Nyhan (jnyhan@ndnlaw.com)
Shilee T. Mullin (smullin@ndnlaw.com)
*Attorneys for Defendants AMG Services, Inc.; Red Cedar Services, Inc. dba
500FastCash; SFS, Inc. dba OneClickCash; Tribal Financial Services, dba Ameriloan,
UnitedCashLoans, USFastCash, and Miami Nation Enterprises*

Von S. Heinz (vheinz@lrlaw.com)
Darren J. Lemieux (dlemieux@lrlaw.com)
E. Leif Reid (lreid@lrlaw.com)
Jeffrey D. Morris (jmorris@berkowitzoliver.com)
Ryan C. Hudson (rhudson@berkowitzoliver.com)
Nick J. Kurt (nkurt@berkowitzoliver.com)
*Attorneys for Defendants AMG Capital Management, LLC; Level 5 Motorsports, LLC;
LeadFlash Consulting, LLC; Black Creek Capital Corporation; Broadmoor Capital
Partners, LLC; Scott A. Tucker; Blaine A. Tucker*

L. Christopher Rose (lcr@juww.com)
Attorney for Defendants The Muir Law Firm, LLC and Timothy J. Muir

Jay Young (jay@maclaw.com)
Attorney Defendant for Robert D. Campbell

Paul C. Ray (paulcraylaw@aol.com)
Attorney for Defendant Troy L. LittleAxe

Patrick J. Reilly (preilly@hollandhart.com)
Attorney for Defendants Kim C. Tucker and Park 269 LLC

1 Brian R. Reeve (breeve@swlaw.com)
2 Nathan F. Garrett (ngarrett@gbmglaw.com)
3 Whitney P. Strack (pstrack@gbmglaw.com)
4 *Attorneys for Defendant Don E. Brady*

5 Dated this 6th day of September 2012.

/s/ Nikhil Singhvi

Nikhil Singhvi